REMARKS

Applicant notes the indicated allowability of Claims 1-17 and 19 over the prior art.

The Section 112 first paragraph rejections:

Claims 1-17 and 19 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Applicant claims processes for optical filter construction including the steps of monitoring intrinsic stress and adjusting intrinsic stress. The examiner agrees that one of skill in the art would know how to adjust the intrinsic stress by deposition parameter modification, whether the intrinsic stress is raised or reduced. Applicant is entitled to a claim that is generic to a method where the stress is raised or lowered. The fact that the claim is generic to these methods does not render the claim as failing to be enabled. Just as one of ordinary skill understands how to adjust the stress, one of ordinary skill understands whether to raise or lower the stress as necessary for a particular optical filter construction. Reconsideration and withdrawal of the enablement rejection of Claims 1-17 and 19 is solicited.

The Section 112 second paragraph rejections:

Claims 20-26 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 20 has been amended to correct informalities as noted by the examiner. Reconsideration and withdrawal of the rejection is solicited.

The Section 103(a) rejection:

Claims 20-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,573,030 to Fairbairn et al. ("Fairbairn") in view of U.S. Patent No. 6,160,661 to Klocek et al. ("Klocek").

The examiner has failed to establish a *prima facie* case of obviousness and the rejection must be withdrawn. There is no motivation or suggestion from either reference to combine the references as asserted by the examiner. Moreover, even if the references are combined, the combination of references fails to teach or suggest all of the claim limitations.

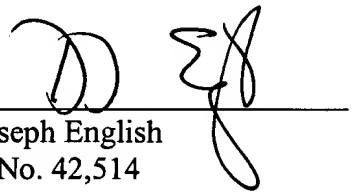
Fairbairn discloses a method of depositing an amorphous carbon layer for DUV lithography in an integrated circuit fabrication process. Klocek discloses an anti-reflective layer in a protective window. There is no teaching or suggestion from either reference to combine the references as asserted by the examiner.

Even if the references are improperly combined, the combination of references fails to disclose ALL claim limitations. For example, the combination fails to disclose "forming a layer of amorphous carbon between a layer of high index of refraction material and a layer of low index of refraction material" in a method of making an optical filter (Claim 20); or "forming a layer of amorphous carbon between layers of materials having different indices of refraction" in a method of making an optical filter (Claim 25); or "depositing a layer of amorphous carbon on at least one layer of material" in a method of making an optical filter formed by alternating layers of materials having high and low indices of refraction (Claim 26). Clearly, the combination of Fairbairn and Klocek fails to disclose ALL claim limitations as required to establish a *prima facie* case of obviousness. The examiner's unsupported assertion that it is well known that anti-reflective layers are used in optical filters does not correct the deficient disclosure of the references.

Reconsideration and withdrawal of the rejection of Claims 20-26 is solicited.

A further and favorable Action and allowance of all claims is solicited.

Respectfully submitted,

By: 

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December 29, 2004